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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,079	11/01/2006	Frank Thielow		8724

7590 10/31/2008
William D Breneman
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3150 Commonwealth Avenue
Alexandria, VA 22305

EXAMINER

CHAN, KAWING

ART UNIT	PAPER NUMBER
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2837

MAIL DATE	DELIVERY MODE
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10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,079	Applicant(s) THIELOW, FRANK	
	Examiner Kawing Chan	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed 06/29/06 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.
3. The information disclosure statement filed 06/29/06 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in

Art Unit: 2837

the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

4. The abstract of the disclosure is objected to because extensive design details of apparatus, such as reference number, should not be given. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claims 4-19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-19 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borden (US 3,051,267) in view of Rauch (US 2002/0023801 A1).

Art Unit: 2837

8. In Re claims 1-3, with reference to Figure I, Borden discloses an elevator control system comprising:

- A displacement unit (3, 5-7) for at least partly displacing a load-receiving device (1) vertically;
- The displacing unit (3, 5-7) comprising:
 - i. At least one first drive motor (6) having a first motor shaft (5);
 - ii. At least one first brake unit (7) arranged on a first brake shaft (5);
 - iii. At least one first drive element (3) rotatable about a first drive shaft (5) and intended for driving at least one first traction element (2) loaded in tension;
 - iv. The traction element (2) being arranged at least between the drive shaft (5) and the load-receiving device (1);
 - v. A continuously mechanical form fit comprising brake unit (7) and drive element (3) (Column 4, Lines 40-55).

9. Borden fails to disclose the second brake unit arranged on a second brake shaft, a second drive element rotatable about a second drive shaft and intended for driving at least one second traction element loaded in tension, and the continuously mechanical form fit comprising the second brake unit and the second drive element.

10. However, with reference to Figures 1-3, Rauch teaches a two column (1a, 1b) lifting platform for lifting two-track vehicles vertically (Paragraph [0019]), comprising:

- An electric motor (11);

Art Unit: 2837

- Two drive elements (14a, 14b) rotate together with a drive shaft (9) and intended for driving two chain cables (15a, 15b) loaded in tension;
- The continuously mechanical form fit comprising two brakes on support arms (4a, 4b) and two drive elements (14a, 14b) (Paragraphs [0012, 0020-0021]).

11. Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Borden with the teachings of Rauch, since it is known in the art to utilize two drive elements rotate with a common shaft so as to be able to move two lifting platform vertically at the same time, and thus the manufacturing costs and complexity are reduced.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gandolfo, Ammon et al., Morris, Brumby, Framhein, Burrows, Gaibler et al., Dunning et al., Benjamin, Wang, Allen and Savage are further cited to show related teachings in the art.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2837

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kawing Chan
Examiner
Art Unit 2837

/Walter Benson/
Supervisory Patent Examiner, Art Unit 2837